



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution of Vacation to Abandon the South Seven Feet of an Existing 10-Foot Public Utility Easement at 1305 East Vine Street

**MEETING DATE:** April 5, 2006

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution vacating the south seven feet of an existing 10-foot public utility easement located at 1305 East Vine Street, APN 049-250-32, as shown on Exhibit A.

**BACKGROUND INFORMATION:** In order to remove the parcel encumbrance caused by an unused portion of an existing public utility easement, Lodi Unified School District (LUSD) has requested the abandonment of the south seven feet of the existing 10-foot public utility easement dedicated on Parcel 2 of the Parcel Map recorded in Book 17 of Parcel Maps, Page 167, San Joaquin County Records. The remaining three feet of the easement is currently occupied by an SBC Pacific Bell utility. A new seven-foot public utility easement abutting the remaining three feet is being dedicated to accommodate electrical utility facilities. The new seven-foot easement is located on the adjacent parcel that is also owned by LUSD. A proposed LUSD warehouse on the adjacent site has been conditioned to dedicate the new seven-foot public utility easement and the dedication is currently in process.


Under Section 8333 of the Street and Highway Code, a local agency may summarily vacate an easement if "the easement has been superseded by relocation and there are no other public facilities located within the easement". There are no public utilities in the portion of the easement to be abandoned.

The City of Lodi Water/Wastewater and Street Divisions, SBC, PG&E and Comcast have approved the public utility easement abandonment without further comment or conditions.

Staff therefore recommends that the request to abandon the south seven feet of the easement be granted without Planning Commission referral or the normal posting, publishing and public hearing

**FISCAL IMPACT:** None

**FUNDING AVAILABLE:** Not applicable.

  
 Richard C. Prima, Jr.  
 Public Works Director

Prepared by Jeannie Matsumoto, Senior Engineering Technician  
 Attachment  
 cc: City Attorney Stephen Schwabauer

APPROVED

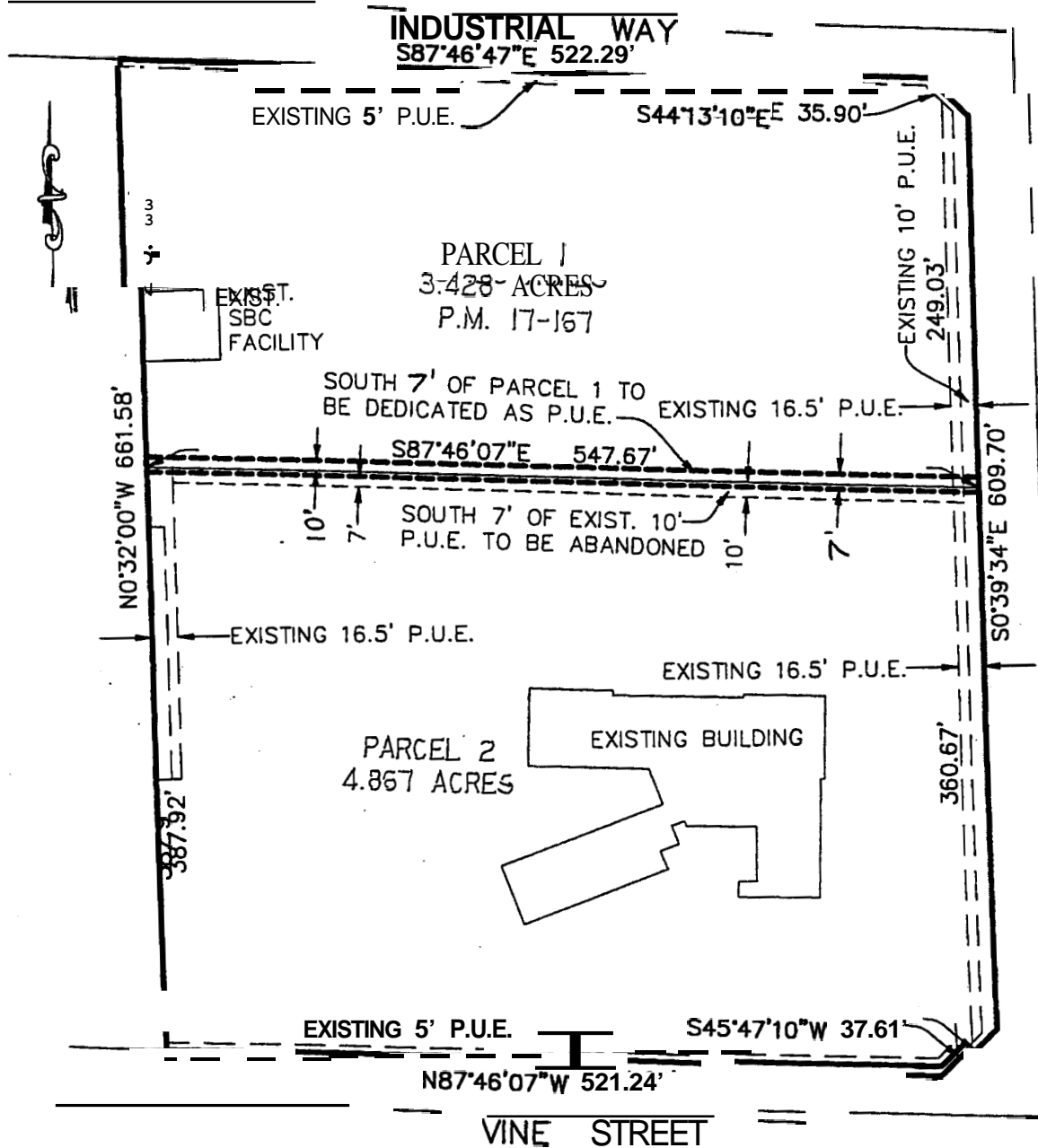
  
 Blair King, City Manager



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## EXHIBIT A PUBLIC UTILITY EASEMENT ABANDONMENT



## STREETS AND HIGHWAYS CODE

### SECTION 8330-8334.5

8330. (a) The legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation.

(b) A street or highway shall not be summarily vacated pursuant to this section if vacation would do either of the following:

(1) Cut off all access to a person's property which, prior to relocation, adjoined the street or highway.

(2) Terminate a public service easement, unless the easement satisfies the requirements of Section 8333.

8330.5. (a) Subject to subdivisions (b) and (c), the commission may retain, relinquish to a local agency pursuant to Section 73, or summarily vacate a state highway that has been superseded by relocation.

(b) The commission shall not vacate a state highway unless the commission has first given a notice of relinquishment pursuant to Section 73 and the legislative body of the local agency has protested within the prescribed 90-day period that the highway is not needed for public use and should be vacated by the commission.

(c) If vacation of a state highway would cut off all access to the property of any person which, prior to relocation, adjoined the highway, the commission shall either retain the highway or relinquish it pursuant to Section 73.

8331. The legislative body of a local agency may summarily vacate a street or highway if both of the following conditions exist:

(a) For a period of five consecutive years, the street or highway has been impassable for vehicular travel.

(b) No public money was expended for maintenance on the street or highway during such period.

8332. The legislative body of a local agency may summarily vacate a street or highway pursuant to an agreement entered into with the department pursuant to Section 100.2 to close the street or highway at or near the point of its interception with a state freeway.

8333. The legislative body of a local agency may summarily vacate a public service easement in any of the following cases:

(a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

(b) The date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date.

(c) The easement has been superseded by relocation and there are

no other public facilities located within the easement.

8334. The legislative body of a local agency may summarily vacate any of the following:

(a) An excess right-of-way of a street or highway not required for street or highway purposes.

(b) A portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another.

8334.5. Notwithstanding any other provision of this article, a street, highway, or public service easement may not be summarily vacated if there are in-place public utility facilities that are in use and would be affected by the vacation.

---

RESOLUTION NO. 2006-51

A RESOLUTION OF THE LODI CITY COUNCIL  
SUMMARILY VACATING AND ABANDONING THE  
SOUTH SEVEN FEET OF AN EXISTING  
TEN-FOOT PUBLIC UTILITY EASEMENT AT  
1305 EAST VINE STREET

---

WHEREAS, a ten-foot public utility easement located at 1305 East Vine Street was dedicated on Parcel 2 of Parcel Map filed for record in Book 17, of Parcel Maps, Page 167, San Joaquin County Records, as shown on Exhibit A attached hereto and incorporated herein; and

WHEREAS, in order to remove the parcel encumbrance caused by an unused portion of the existing ten-foot public utility easement, Lodi Unified School District (LUSD) has requested the abandonment of the south seven feet of said easement dedicated on Parcel 2 of the Parcel Map recorded in Book 17 of Parcel Maps, Page 167, San Joaquin County Records; and

WHEREAS, the remaining north three feet of the easement is currently occupied by an SBC Pacific Bell utility, and a new seven-foot public utility easement abutting the remaining three feet is being dedicated on the adjacent parcel, that is also owned by LUSD to accommodate electrical utility facilities. A proposed LUSD warehouse to be constructed on the adjacent site has been conditioned to dedicate the new seven-foot public utility easement and the dedication is currently in process; and

WHEREAS, under Section 8333 of the Streets and Highways Code, a local agency may summarily vacate an easement if it has not been used for the purpose for which it was dedicated, or if the easement has been superseded by relocation and there are no other public facilities located within the easement. There are no public utilities in the portion of the easement to be abandoned; and

WHEREAS, the City of Lodi Water/Wastewater and Street Divisions, SBC, PG&E, and Comcast have approved the public utility easement abandonment without further comment or conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds and declares as follows:

1. The above recitals are true and correct.
2. The portion of the existing easement covered by the vacation has not been used for the purpose for which it was dedicated and the need for the portion of the easement to be vacated has been superseded by relocation and there are no other public facilities located within the portion of the easement to be vacated, and, in accordance with California Government Code Section 65402(a), the City Council of the City of Lodi hereby provides that Government Code Section 65402(a) does not apply to this vacation.

3. That the south seven feet of the existing ten-foot public utility easement located at 1305 East Vine Street (APN 049-250-32), shown on Exhibit A attached hereto and incorporated herein, is hereby summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a public utility easement.
4. The vacation is made pursuant to Chapter 4, Part 3, of the Streets and Highways Code of the State of California.
5. The property owners will dedicate a new public utility easement in conformance with City requirements; and
6. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336 without referral to the Planning Commission or the normal posting, publishing, and public hearing.

Dated: April 5, 2006

---

I hereby certify that Resolution No. 2006-51 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 5, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Mounce, and  
Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Beckman

ABSTAIN: COUNCIL MEMBERS – None

  
SUSAN J. BLACKSTON  
SUSAN J. BLACKSTON  
City Clerk

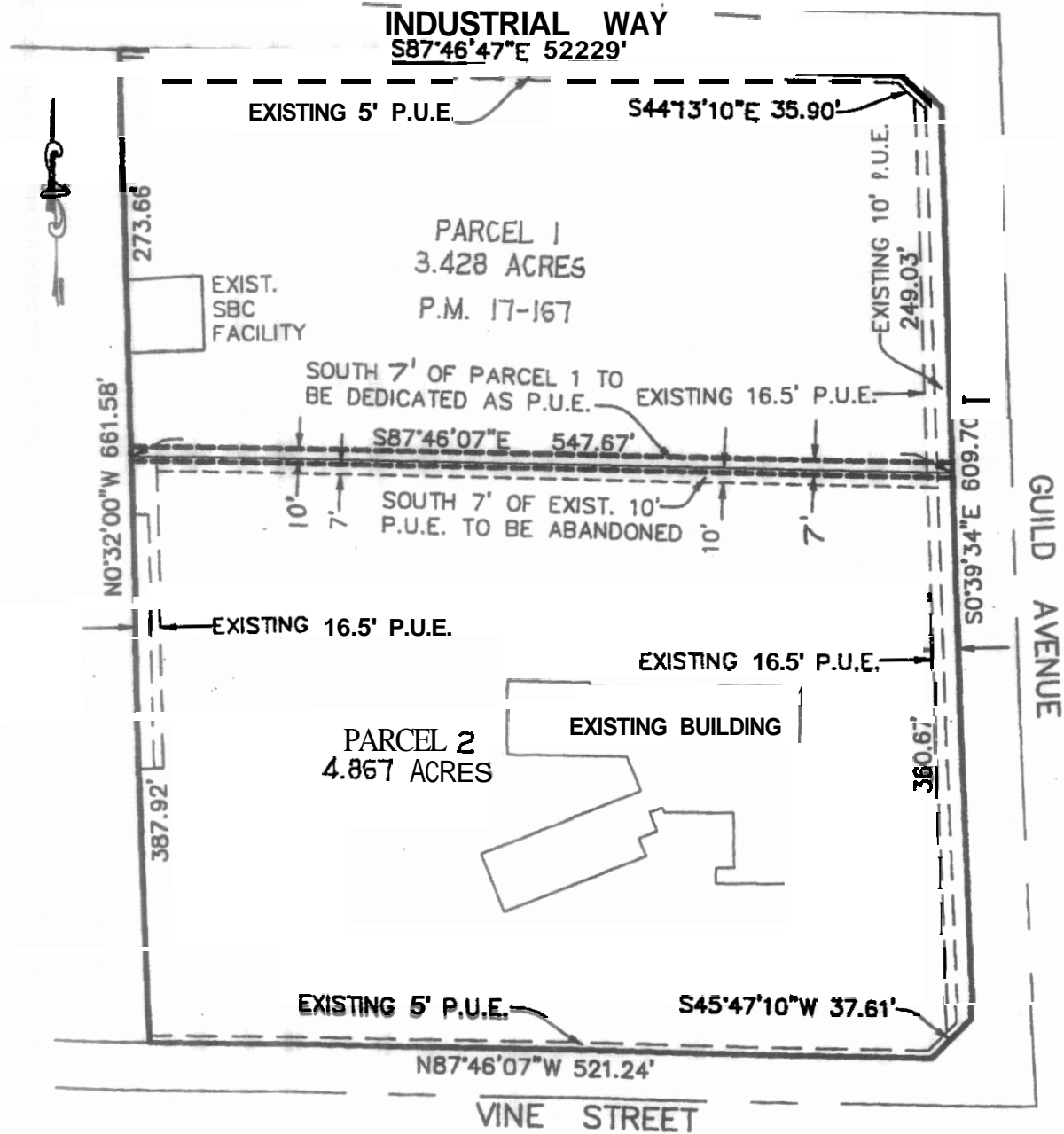


# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## EXHIBIT A

### PUBLIC UTILITY EASEMENT ABANDONMENT





## **DECLARATION OF MAILING**

### **RESOLUTION SUMMARILY VACATING AND ABANDONING THE SOUTH SEVEN FEET OF AN EXISTING TEN-FOOT PUBLIC UTILITY EASEMENT AT 1305 EAST VINE STREET**

On April **6**, 2006, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing transmittal letter and resolution summarily vacating and abandoning the south seven feet of an existing ten-foot public utility easement at 1305 East Vine Street.

There **is** a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.


I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 6, 2006, **at** Lodi, California.

**ORDERED BY:**

**SUSAN BLACKSTON  
CITY CLERK, CITY OF LODI**

**ORDERED BY:**

  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
JACQUELINE L. TAYLOR, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
DANA R. CHAPMAN  
ADMINISTRATIVE CLERK



**CITY COUNCIL**

**SUSAN HITCHCOCK,**  
Mayor

**BOB JOHNSON,**  
Mayor Pro Tempore

**JOHNBECKMAN**

**LARRY D. HANSEN**

**JOANNE MOUNCE**

# CITY OF LODI



**BLAIR KING,**  
City Manager

**SUSAN J. BLACKSTON,**  
City Clerk

**D. STEPHEN SCHWABAUER,**  
City Attorney

**CITY HALL, 221 WEST PINE STREET / P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702 / FAX (209) 333-6807 / www.lodi.gov**



**April 6, 2006**

TO: Interested Parties

**VACATION: TO SUMMARILY VACATE AND ABANDON THE SOUTH SEVEN  
FEET OF AN EXISTING TEN-FOOT PUBLIC UTILITY EASEMENT  
AT 1305 EAST VINE STREET**

---

This is to inform you that the City Council, at its regular meeting on April 5, 2006, considered the above matter and declared the area summarily vacated and abandoned.

Enclosed for your information is a certified copy of the resolution along with a map of the abandoned area.

Should you have questions regarding the abandonment, please contact the Public Works Department at (209) 333-6706.

Susan J. Blackston  
City Clerk

SJB/jmp

**Enclosure**

cc: **Public Works Department**

RESOLUTION NO. 2006-51

A RESOLUTION OF THE LODI CITY COUNCIL  
SUMMARILY VACATING AND ABANDONING THE  
SOUTH SEVEN FEET OF AN EXISTING  
TEN-FOOT PUBLIC UTILITY EASEMENT AT  
1305 EAST VINE STREET

WHEREAS, a ten-foot public utility easement located at 1305 East Vine Street was dedicated on Parcel 2 of Parcel Map filed for record in Book 17, of Parcel Maps, Page 167, San Joaquin County Records, as shown on Exhibit A attached hereto and incorporated herein: and

WHEREAS, in order to remove the parcel encumbrance caused by an unused portion of the existing ten-foot public utility easement, Lodi Unified School District (LUSD) has requested the abandonment of the south seven feet of said easement dedicated on Parcel 2 of the Parcel Map recorded in Book 17 of Parcel Maps, Page 167, San Joaquin County Records; and

WHEREAS, the remaining north three feet of the easement is currently occupied by an SBC Pacific Bell utility, and a new seven-foot public utility easement abutting the remaining three feet is being dedicated on the adjacent parcel, that is also owned by LUSD to accommodate electrical utility facilities. A proposed LUSD warehouse to be constructed on the adjacent site has been conditioned to dedicate the new seven-foot public utility easement and the dedication is currently in process; and

WHEREAS, under Section 8333 of the Streets and Highways Code, a local agency may summarily vacate an easement if it has not been used for the purpose for which it was dedicated, or if the easement has been superseded by relocation and there are no other public facilities located within the easement. There are no public utilities in the portion of the easement to be abandoned; and

WHEREAS, the City of Lodi Water/Wastewater and Street Divisions, SBC, PG&E, and Comcast have approved the public utility easement abandonment without further comment or conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds and declares as follows:

1. The above recitals are true and correct.
2. The portion of the existing easement covered by the vacation has not been used for the purpose for which it was dedicated and the need for the portion of the easement to be vacated has been superseded by relocation and there are no other public facilities located within the portion of the easement to be vacated, and, in accordance with California Government Code Section 65402(a), the City Council of the City of Lodi hereby provides that Government Code Section 65402(a) does not apply to this vacation.

3. That the south seven feet of the existing ten-foot public utility easement located at 1305 East Vine Street (APN 049-250-32), shown on Exhibit A attached hereto and incorporated herein, is hereby summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a public utility easement.
4. The vacation is made pursuant to Chapter 4, Part 3, of the Streets and Highways Code of the State of California.
5. The property owners will dedicate a new public utility easement in conformance with City requirements; and
6. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336 without referral to the Planning Commission or the normal posting, publishing, and public hearing.

Dated: April 5, 2006

---

I hereby certify that Resolution No. 2006-51 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 5, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Mounce, and  
Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Beckman

ABSTAIN: COUNCIL MEMBERS – None

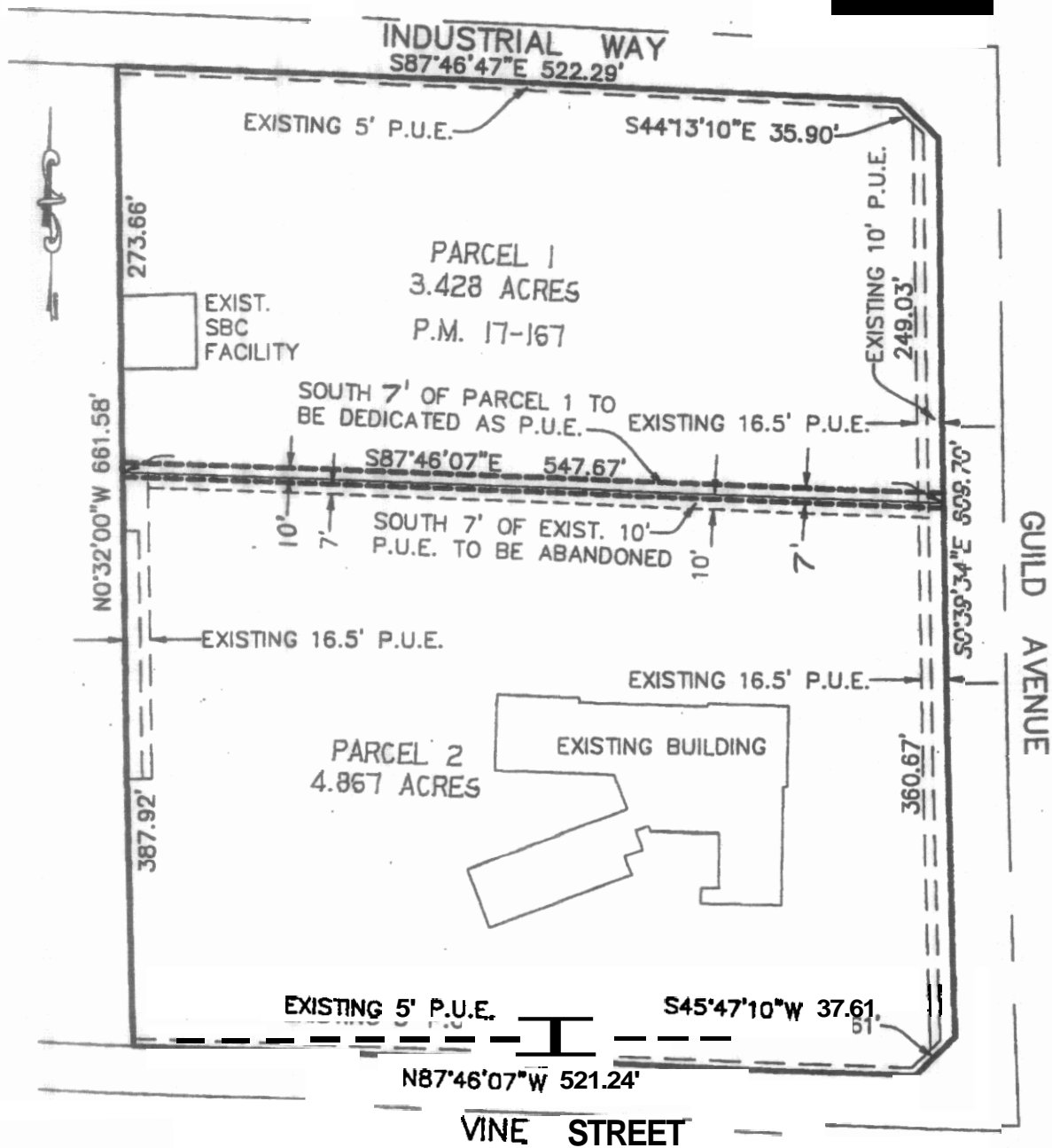
  
SUSAN J. BLACKSTON  
SUSAN J. BLACKSTON  
City Clerk



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## EXHIBIT A PUBLIC UTILITY EASEMENT ABANDONMENT



**VACATION / ABANDONMENT  
MAILING LIST**

---

**RESOLUTION OF INTENTION (Setting Public Hearing)**

Certified copy w/cover letter to:

PG&E  
12 W. Pine Street  
Lodi, CA 95240

AT&T  
6505 Tam O Shanter Drive  
Stockton, CA 95210

Pacific Bell  
44 W. Yokuts Avenue  
Stockton, CA 95207

Central Valley Waste Services  
P.O. Box 241001  
Lodi, CA 95241-9501

Chief Deputy County Surveyor  
Attn: Joe Bussalacci  
1810 E. Hazelton Avenue  
Stockton, CA 95205

Certified copies to:

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

---

**RESOLUTION OF VACATION (After Public Hearing)**

Certified COPY w/cover letter:

PG&E

AT&T

Pacific Bell

Central Valley Waste Services

Chief Deputy County Surveyor

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department